Remarks

By way of this Preliminary Amendment, claims 1-10 are pending. Claim 10 has been amended. These claim amendments are being made solely for purposes of placing the claims in a format appropriate for U.S. prosecution. Applicants submit that the amendments do not change the scope of the claims as originally filed. Such amendments are therefore made to address formalities in the claim format and are not related to the patentability of the subject matter of the claims. No new matter was added by way of these claim amendments and additions.

Conclusion

Applicants believe that the subject matter of the pending claims is patentable and that the instant application should accordingly be allowed. If the Examiner believes that a conversation with Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned attorney at (203) 812-6450.

Respectfully submitted,

Dated: June 3, 2005

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Amendment to the Specification (Attorney Docket No. LeA 36 493)

Please amend the specification by inserting this paragraph on page 1, line 1 of the specification following the title:

This application is a 371 of PCT/E2003/013281, filed November 26, 2003.

Amended Claims (Attorney Docket No. LeA 36 493)

1. (Original) Nucleic acid molecule, selected from the group consisting of

   a) nucleic acid molecules encoding the polypeptide disclosed by SEQ ID NO: 2;

   b) nucleic acid molecules containing the sequence depicted by SEQ ID NO: 1;

   c) nucleic acid molecules whose complementary strand hybridizes under stringent conditions with a nucleic acid molecule of a) or b) and which have the biological function of a fluorescent protein;

   d) nucleic acid molecules which differ from those mentioned under c) due to the degeneracy of the genetic code;

   e) nucleic acid molecules whose sequences are at least 95% homologous to SEQ ID NO: 1 and which have the biological function of a fluorescent protein; and

   f) nucleic acid molecules whose sequences are at least 65% homologous to SEQ ID NO: 1 and which have the biological function of a fluorescent protein.

2. (Original) Molecules according to Claim 1, whose sequence contains a functional promoter 5' of the sequence.

3. (Original) Molecules according to Claim 2, which are a part of recombinant DNA or of RNA vectors.

4. (Original) Organisms, which contain a vector described according to Claim 3.

5. (Original) Oligonucleotides, having more than 10 contiguous nucleotides which are identical or complementary to DNA or RNA sequences according to Claim 1.

6. (Original) Peptides, which are encoded by the nucleotide sequence according to Claim 1.

7. (Original) Method of expressing the CGFP polypeptide according to Claim 6 in bacteria, eukaryotic cells or in *in vitro* expression systems.

8. (Original) Method of purifying/isolating a CGFP polypeptide according to Claim 6.

9. (Original) Peptides, having more than 5 contiguous amino acids which are recognized immunologically by antibodies to the fluorescent protein CGFP.

10. (Currently amended) Use of the fluorescent protein CGFP according to Claims 1 ~~to 7~~ as a marker gene and reporter gene.